

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION**

Shawn Sage *a/k/a Shawn Michael* )  
Sage, )

Plaintiff, )

vs. )

Spartanburg County Detention Center, )  
Spartanburg County, and Sheriff )  
Chuck Wright, )

Defendants. )

Civil Action No. 8:23-cv-00317-TMC

**ORDER**

Plaintiff Shawn Sage, a state pretrial detainee proceeding *pro se* and *in forma pauperis*, filed this action pursuant to 42 U.S.C. § 1983. (ECF Nos. 1; 2; 8). In accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02(B)(2)(e) (D.S.C.), this matter was referred to a magistrate judge for all pretrial proceedings. On January 27, 2023, the magistrate judge issued an order granting Plaintiff twenty-one (21) days in which to bring the case into proper form. (ECF No. 7). The order also advised Plaintiff of his duty to keep the court informed as to his current address. *Id.* at 3. The magistrate judge warned Plaintiff that if he failed either to bring the case into proper form within the time permitted or to keep the court informed of his current address, his case may be subject to dismissal. *Id.* at 2, 3. The magistrate judge simultaneously entered an order (the “Amendment Order”) informing Plaintiff that his Complaint is subject to summary dismissal, identifying the deficiencies in the Complaint, and granting Plaintiff twenty-one (21) in which to file an amended complaint curing the deficiencies identified therein. (ECF No. 9).

The proper form order and Amendment Order were both mailed on January 27, 2022, to Plaintiff at the address he provided to the court, (ECF No. 10), and neither has been returned to

the court has undeliverable. Accordingly, Plaintiff is presumed to have received the proper form order and the Amendment Order. On February 13, 2023, Plaintiff responded to the proper form order by filing a proposed summons, (ECF No. 13), but never filed an amended complaint. Accordingly, on March 1, 2023, the magistrate judge issued a second proper form order granting Plaintiff an additional twenty-one (21) days in which to file an amended complaint. (ECF No. 15). The second proper form order was mail to Plaintiff at the address he provided to the court, (ECF No. 16), and has not been returned as undeliverable. Therefore, Plaintiff is presumed to have received it. Nevertheless, to date Plaintiff has failed to submit an amended complaint or any response to the magistrate judge's Amendment Order or second proper form order.

Consequently, on March 29, 2023, the magistrate judge issued a Report and Recommendation ("Report"), recommending the court dismiss this action for failure to state a claim. (ECF No. 18). The Report also notified Plaintiff of his right to file objections thereto. *Id.* at 17. The Report was mailed to Plaintiff on March 29, 2023, (ECF No. 19), and has not been returned as undeliverable. Therefore, Plaintiff is presumed to have received the Report. Plaintiff has failed to file any objections to the Report and the time in which to do so has long expired.

The magistrate judge's recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *Wimmer v. Cook*, 774 F.2d 68, 72 (4th Cir. 1985) (quoting *Mathews v. Weber*, 423 U.S. 261, 270–71 (1976)). Nevertheless, "[t]he district court is only required to review *de novo* those portions of the report to which specific objections have been made, and need not conduct *de novo* review 'when a party makes general and conclusory objections that do not direct the court to a specific error in the magistrate judge's proposed findings and recommendations.'" *Farmer v. McBride*, 177 Fed. App'x 327, 330–31 (4th Cir. April 26, 2006) (quoting *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th

Cir. 1982)). The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1). However, in the absence of specific objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *Greenspan v. Brothers Prop. Corp.*, 103 F. Supp. 3d 734, 737 (D.S.C. 2015) (citing *Camby v. Davis*, 718 F.2d 198, 199–200 (4th Cir. 1983)).

Thus, having reviewed the Report and the record and, finding no clear error, the court agrees with and wholly **ADOPTS** the magistrate judge’s findings and recommendations in the Report (ECF No. 18), which is incorporated herein by reference. Accordingly, this case is **DISMISSED with prejudice** and without issuance and service of process.

**IT IS SO ORDERED.**

s/Timothy M. Cain  
United States District Judge

June 2, 2023  
Anderson, South Carolina

#### **NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.